

March 14, 2019 Planning Board/Board of Adjustment Minutes

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Members Present: Mr. Mazza, Mr. Stothoff, Mr. Nace, Mr. Eschbach, Mr. Kastrud, Mr. Neary, Mr. Pettit, Mr. Ford

Board Professionals Present: Atty. Randall Peach, Engineer Robert Clerico, Planner Brian Slauch

Members Absent: Mr. Dix, Mr. Kirkpatrick

Others Present:

Natalizio: Atty. Christopher Erd, Robert Templin

Hunterdon Realty Holdings LLC: Atty. William Kent-Smith, Tim Yurkovitch

Mr. Ford welcomed Atty. Peach and Planner Slauch.

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated January 17, 2019, as published in the Hunterdon County Democrat and January 16, 2019, as published in the Courier News. A copy of the notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

Public Hearing: Natalizio: Block 29.04, Lot 18, 6 Groom Road: Atty. Christopher Erd was present on behalf of applicant. He gave an overview of the application for an Amendment to a Major Subdivision approval in order to construct a thirty by sixty-foot barn and driveway on the approximate thirty-seven acre property. Atty. Erd said the maximum farmette area is sixteen-thousand, nine-hundred square feet (sf). Mr. Natalizio is proposing to reduce that area to fourteen-thousand, fifty sf and create a second farmette area that would be two-thousand eight-hundred sf for construction of the barn.

Mr. Erd called Engineer Robert Templin forward. He was sworn by Atty. Peach. Mr. Templin provided his qualifications. They were acceptable to the Board. Mr. Templin referenced Atty. Erd's overview and added the improvements would not impact the agricultural area of the site. He said the barn meets all setback requirements. Mr. Ford asked Mr. Slauch for questions. Mr. Slauch questioned the ownership of the Open Space. Atty. Erd said a Title Search revealed that Open Space was not defined or dedicated to anyone in particular. He said applicant would be willing to dedicate an easement as a condition of approval. Mr. Slauch asked about the architectural design of the barn. Mr. Templin said applicant has agreed to have stonework on the barn foundation that would be similar to the stonework on the existing house.

Mr. Ford asked about examples of the proposed barn structure. Applicant displayed three examples. Mr. Ford said his preference was the barn with a red roof. Mr. Nace asked about landscaping. Mr. Templin indicated landscaping is proposed around the foundation of the building. There are existing trees on the site.

Mr. Templin displayed an Exhibit depicting the house, trees and surrounding farm area. The Exhibit was marked B-1. Mr. Ford said conditions of approval would include a provision for a review of the final barn design to the Planner's satisfaction and dedication of the easement as outlined in Ms. Malcolm's letter dated February 21, 2019. Mr. Ford asked for questions from the Board. Mr. Stothoff asked about the stone facade requirement for the barn and if it was consistent with what was asked of the owner of the other farmette. He did not support adding construction costs for a farm building.

Atty. Erd asked for clarification regarding dedication of the easement. Would the condition be to state there is no easement or was the Board making a condition that applicant dedicate an easement. Mr. Ford asked Atty. Peach if the Board had authority to decide that condition is not necessary since the Title Search has determined there is no easement. Atty. Erd emphasized that Mr. Natalizio is the owner of a Title Company.

Mr. Ford asked for questions/comments from the Public. Mr. Ventura, 26 Wyckoff Drive, asked to see a rendering of the location of the barn. Mr. Templin said Mr. Ventura's property is approximately one-thousand feet from the proposed barn.

Mr. Ford asked for a motion.

Motion: Mr. Mazza made a motion to approve the application with the condition that the barn be designed to the satisfaction of the Board Planner. Mr. Eschbach seconded the motion.

Vote: Aye: Mr. Mazza, Mr. Eschbach, Mr. Stothoff, Mr. Nace, Mr. Kastrud, Mr. Neary, Mr. Petitt, Mr. Ford

Public Hearing: Hunterdon Realty Holdings, LLC; Block 12, Lot 1.04, 96 State Route 173 West:

Certification of Valid Pre-Existing Non-Conforming Use, or in the Alternative a Use Variance: Mr. Ford announced this was a Board of Adjustment matter and Messrs. Mazza and Stothoff would be recusing themselves. Mr. Ford understood that applicant would be applying for a Use Variance. Atty. Henry Kent-Smith was present on behalf of applicant. Mr. Kent-Smith described the property and said Crane Works is the contract purchaser. He said testimony would be presented by Planner Art Bernard and a Crane Works' representative.

Atty. Kent-Smith asked Tim Yurkovitch to come forward. Mr. Yurkovitch was sworn by Atty. Peach. He said he is the General Manager of the NJ Division of Crane Works that is located in Branchburg. He said Crane Works has ten branches in the United States. Mr. Yurkovitch said Crane Works installs pre-manufactured equipment that includes aerial lifts, sheet rock equipment and forklifts. Crane Works also provides light fabrication, welding, maintenance and sales services.

Atty. Kent-Smith displayed a series of photographs that were marked as follows: Exhibit A-3 shows the rear of the building; Exhibit A-4 is an Aerial Photo of the property; Exhibit A-5 is a view of the building from Route 173; Exhibit A-6 shows landscaping on property; Exhibit A-7 shows landscaping on the perimeter of the property and Exhibit A-8 is a view from the rear.

Mr. Yurkovitch said the majority of work would be inside of the building. The office space in the front of the building will be used for administrative purposes and storage of parts. He said Crane Works has eighteen employees with the possibility of twenty. Mr. Yurkovitch said vehicles would be outside and that was the nature of the variance application. He said parts are delivered daily. He estimated that larger truck deliveries would be every two months. Applicant proposes using existing signage and any changes would require approval of the Board. Mr. Yurkovitch said applicant does not plan to change lighting and will maintain landscaping. The hours of operation are proposed from 7:30 a.m. until 5:00 p.m. Monday through Friday, and occasionally on a Saturday.

Atty. Kent-Smith asked about training. Mr. Yurkovitch said that is not usually done on customer sites. He also said most parts are used for on-site business with limited sales to the public. Mr. Ford asked about parking spaces in front of the building. Mr. Yurkovitch said it would be mostly for employees. UPS and Fed Ex deliveries would utilize the front area. Mr. Kastrud asked Mr. Yurkovitch if he had examples of site plans for their other facilities, i.e., Branchburg. Mr. Yurkovitch said he had none with him tonight. Mr. Kastrud asked how the Zoning Officer would enforce an approval by the Board. Mr. Ford said the Zoning Officer would be enforcing the 1999 Site Plan. Mr. Kastrud asked about a variance for outdoor storage. Atty. Kent-Smith said a request for overnight vehicle storage and a condition being the storage would be within the twenty designated site plan spaces at the rear of the building. Mr. Yurkovitch said a dumpster would be on site for regular refuse, as well as a dumpster for wood pallets. Mr. Kastrud asked if there would be a generator. Mr. Yurkovitch said a generator was not proposed. Mr. Kastrud said he had no problem with the hours of operation or deliveries. He asked Mr. Yurkovitch if the hundred parking spaces would suffice. Mr. Yurkovitch said "Yes". Mr. Kastrud emphasized there would be no storage in the front and asked if the number of vehicles to be stored outside should be limited. Mr. Yurkovitch asked that Crane Works be allowed to use the fifteen designated spaces for overnight storage. He also said they would not have junk vehicles on site; all vehicles on site would be registered with the Division of Motor Vehicles.

Mr. Slaugh asked if walls installed in the 1990's would be removed. Mr. Yurkovitch said applicant would like to discuss that issue. Mr. Slaugh asked if mobile cranes would be sold. Mr. Yurkovitch said "Yes". Mr. Slaugh asked about modifications to the building. Mr. Yurkovitch said there are no plans to modify anything to do with the building entrances. The company work trucks would be parked in the rear of the building. The gates would be locked and the public would have no access. Mr. Nace asked if applicant paints as part of the welding and fabricating service. Mr. Yurkovitch said most painting is done off-site. Mr. Slaugh asked about sales of steel cranes. Mr. Yurkovitch said that type of equipment would not be sold at this site. Mr. Ford asked about a condition that would restrict the type of crane. Mr. Slaugh said the Resolution could state that no cranes requiring wide-load transportation would be allowed.

Mr. Ford asked members of the Public if they had questions for Mr. Yurkovitch. There was none.

Planner Arthur Bernard came forward. He was sworn by Atty. Peach. Mr. Bernard stated his qualifications. They were acceptable to the Board. Mr. Bernard gave a brief history of the property. He said the site was in the Planned Commercial District (PC). Mr. Bernard said the Zoning was changed to

Professional Office (PO) in 2006, following a Master Plan (MP) Amendment. He cited the permitted uses in the District. Mr. Bernard referenced the following: Exhibit A-1, an Aerial of the site location and A-2, the Union Township Zoning Map. He described the business's surrounding the subject property, as well as those east of the site. He said the existing use is compatible with those uses. Mr. Bernard said the MP advocates a lower intensity of development. The Highlands also impact the area.

Mr. Bernard continued. He said applicant is not proposing to change the building footprint. As shown on Exhibits A-6 –A-9, there is abundant landscaping that screens the site from adjacent land uses. Mr. Bernard said the purpose of zoning would be advanced since the proposal would not be in conflict with the general welfare of the community, the region or the State. The proposal would also promote appropriate concentrations of development and sufficient space in appropriate locations for a variety of non-residential uses including this one.

Mr. Bernard addressed negative criteria. He said he saw no substantial detriment to the public good at all because the use is consistent with surrounding land uses, there is adequate screening, the footprint of the building is not changing, the proposal will not generate a great amount of traffic, water usage would be low and there would be no substantial detriment to the Township Zoning Plan.

Mr. Bernard said regarding reconciliation, which is necessary for a "D-1" variance, the use goes back over thirty years when it was a permitted use; he referenced the MP advocacy for low-intensity uses on the north side of Route 78. Mr. Bernard said the water usage is consistent with the goals of the Highlands Council and the existing zoning is not reflective of the character of the area pursuant to Section 62 of the MLUL. Mr. Bernard said he finds the site to be suited for the proposed use. The use advances the purpose of the MLUL and there is no substantial detriment to the public good or the zone plan. He urged the Board to grant the relief requested.

Mr. Ford asked for questions from Board Professionals. Mr. Clerico had none. Mr. Slaugh asked Mr. Bernard if he was aware of any similar use, either locally or in surrounding municipalities. Mr. Bernard said he did not know of any. Mr. Slaugh asked about mitigating measures for the site, i.e. buffering deficiencies. Mr. Bernard thought there was significant buffering. Mr. Slaugh asked if deficiencies were identified would applicant consider additional buffering to mitigate the impact of the use variance. Atty. Kent-Smith said Mr. Yurkovitch agreed if additional landscaping were required applicant would address the issue. Mr. Ford asked Mr. Yurkovitch if applicant would be willing to bring the exterior lighting on the site to conform to the current Ordinance. Mr. Yurkovitch said "Yes". Mr. Nace asked if the lights were generally on at night. Mr. Yurkovitch said there is a security light on at night.

Mr. Ford asked for questions from the Public. There was none. Mr. Ford asked Atty. Peach about conditions for an approval. They included lighting to conform to the Ordinance, subject to the satisfaction of the Engineer and Planner, as well as additional buffering to the satisfaction of the Planner. Mr. Ford added the following conditions: All trucks shall be parked in the designated fifteen-space area to the rear of the building; all overnight vehicles must be associated with the business; trash enclosures shall be screened and booms must be lowered if stored outside. Mr. Kastrud added hours

and days of operation; no storage of raw materials and lights off by 10:00 p.m., with the exception security lighting;

Motion: Mr. Kastrud made a motion to approve the "D" Variance with the conditions set forth above. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Kastrud, Mr. Nace, Mr. Eschbach, Mr. Neary, Mr. Petitt, Mr. Ford

Comments from the Public/Other Discussion: There was none.

Motion to Adjourn: Mr. Kastrud made the motion at 8:28 p.m. It was seconded by Mr. Nace.

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary